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HOUSE BILL 35

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO SCHOOL PERSONNEL; CHANGING THE CALCULATION FOR  
MINIMUM SALARIES OF SCHOOL PRINCIPALS AND ASSISTANT SCHOOL  
PRINCIPALS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10A-2 NMSA 1978 (being Laws 1975,  
Chapter 306, Section 2, as amended) is amended to read:

"22-10A-2. DEFINITIONS.--As used in the School Personnel  
Act:

A. "discharge" means the act of severing the  
employment relationship with a certified school employee prior  
to the expiration of the current employment contract;

B. "responsibility factor" means a value of 1.20  
for an elementary school principal, 1.40 for a middle school or  
junior high school principal, 1.60 for a high school principal,

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1 1.10 for an assistant elementary school principal, 1.15 for an  
2 assistant middle school or assistant junior high school  
3 principal and 1.25 for an assistant high school principal;

4 [B-] C. "state agency" means any state institution  
5 or state agency providing an educational program requiring the  
6 employment of certified school instructors;

7 [G-] D. "sabbatical leave" means leave of absence  
8 with pay as set by the local school board or governing  
9 authority of a state agency during all or part of a regular  
10 school term for purposes of study or travel related to the  
11 staff member's duties and of direct benefit to the  
12 instructional program;

13 [D-] E. "terminate" means, in the case of a  
14 certified school employee, the act of not reemploying an  
15 employee for the ensuing school year and, in the case of a  
16 noncertified school employee, the act of severing the  
17 employment relationship with the employee;

18 [E-] F. "working day" means every calendar day,  
19 excluding Saturday, Sunday or legal holiday; and

20 [F-] G. "just cause" means a reason that is  
21 rationally related to an employee's competence or turpitude or  
22 the proper performance of ~~his~~ the employee's duties and that  
23 is not in violation of the employee's civil or constitutional  
24 rights."

25 Section 2. Section 22-10A-11 NMSA 1978 (being Laws 2003,

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1 Chapter 153, Section 42, as amended by Laws 2005, Chapter 315,  
2 Section 8 and by Laws 2005, Chapter 316, Section 5) is amended  
3 to read:

4 "22-10A-11. LEVEL THREE LICENSURE--TRACKS FOR TEACHERS  
5 AND SCHOOL ADMINISTRATORS.--

6 A. A level three-A license is a nine-year license  
7 granted to a teacher who meets the qualifications for that  
8 level and who annually demonstrates instructional leader  
9 competencies. If a level three-A teacher does not demonstrate  
10 essential competency in a given school year, the school  
11 district shall provide the teacher with additional professional  
12 development and peer intervention during the following school  
13 year. If by the end of that school year the teacher fails to  
14 demonstrate essential competency, a school district may choose  
15 not to contract with the teacher to teach in the classroom.

16 B. The department shall grant a level three-A  
17 license to an applicant who has been a level two teacher for at  
18 least three years and holds a post-baccalaureate degree or  
19 national board for professional teaching standards  
20 certification; demonstrates instructional leader competence as  
21 required by the department and verified by the local  
22 superintendent through the highly objective uniform statewide  
23 standard of evaluation; and meets other qualifications for the  
24 license.

25 C. With the adoption by the department of a highly

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1 objective uniform statewide standard of evaluation for level  
2 three-A teachers, the minimum salary for a level three-A  
3 teacher for a standard nine and one-half month contract shall  
4 be as follows:

5 (1) for the 2003-2004 school year, thirty  
6 thousand dollars (\$30,000);

7 (2) for the 2004-2005 school year, thirty-five  
8 thousand dollars (\$35,000);

9 (3) for the 2005-2006 school year, forty  
10 thousand dollars (\$40,000);

11 (4) for the 2006-2007 school year, forty-five  
12 thousand dollars (\$45,000); and

13 (5) for the 2007-2008 school year, fifty  
14 thousand dollars (\$50,000).

15 D. A level three-B license is a nine-year license  
16 granted to a school administrator who meets the qualifications  
17 for that level. Licenses may be renewed upon satisfactory  
18 annual demonstration of instructional leader and administrative  
19 competency.

20 E. The department shall grant a level three-B  
21 license to an applicant who has been a level three-A  
22 [~~instructional leader~~] teacher for at least one year, has  
23 satisfactorily completed department-approved courses in  
24 administration and a department-approved administration  
25 apprenticeship program and demonstrates instructional leader

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1 competence required by the department and verified by the local  
2 superintendent through the highly objective uniform statewide  
3 standard of evaluation.

4 ~~[F. Beginning with the 2007-2008 school year, the~~  
5 ~~standard contract and minimum annual salary for a level three-B~~  
6 ~~school principal shall be based on the size of the school in~~  
7 ~~which the school principal is employed, as follows:~~

8 ~~(1) for school principals of schools with two~~  
9 ~~hundred or fewer students, a minimum salary of~~  
10 ~~fifty-eight thousand dollars (\$58,000) for a standard~~  
11 ~~ten-month contract;~~

12 ~~(2) for school principals of schools with two~~  
13 ~~hundred one to four hundred students, a minimum salary of sixty~~  
14 ~~thousand dollars (\$60,000) for a standard ten-month contract;~~

15 ~~(3) for school principals of schools with four~~  
16 ~~hundred one to six hundred students, a minimum salary of sixty-~~  
17 ~~two thousand dollars (\$62,000) for a standard ten-month~~  
18 ~~contract;~~

19 ~~(4) for school principals of schools with six~~  
20 ~~hundred one to eight hundred students, a minimum salary of~~  
21 ~~sixty-four thousand dollars (\$64,000) for a standard~~  
22 ~~ten-month contract;~~

23 ~~(5) for school principals of schools with~~  
24 ~~eight hundred one to one thousand students, a minimum salary of~~  
25 ~~sixty-six thousand dollars (\$66,000) for a standard~~

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1 ~~ten-month contract; and~~

2 ~~(6) for school principals of schools with more~~  
3 ~~than one thousand students, a minimum salary of~~  
4 ~~sixty-eight thousand dollars (\$68,000) for a standard~~  
5 ~~ten-month contract.]~~

6 F. Beginning with the 2007-2008 school year, the  
7 minimum annual salary for a level three-B school principal or  
8 assistant school principal shall be fifty thousand dollars  
9 (\$50,000) multiplied by the applicable responsibility factor.

10 G. By the beginning of the 2008-2009 school year,  
11 the department shall adopt a highly objective uniform statewide  
12 standard of evaluation for level three-B school principals and  
13 assistant school principals and rules for the implementation of  
14 that evaluation system linked to the level of responsibility at  
15 each school level."

16 Section 3. APPROPRIATION.--Four million two hundred  
17 thousand dollars (\$4,200,000) is appropriated from the general  
18 fund to the public school fund for distribution through the  
19 state equalization guarantee distribution in fiscal year 2008  
20 to implement minimum salaries for school principals and  
21 assistant principals in the 2007-2008 school year. Any  
22 undistributed amount remaining at the end of fiscal year 2008  
23 shall revert to the general fund.